

the collective defense agreements or treaties to which such country is a party.

(c) **REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.**—

(1) **IN GENERAL.**—Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) **COUNTRIES DESCRIBED.**—The countries described in this paragraph are the following:

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

(3) **FORM.**—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(4) **AVAILABILITY.**—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 4006. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CLARIFICATION OF EMERGENCY WAR FUNDING FOR PURPOSES OF DETERMINING ELIGIBLE COSTS.

(a) **DEFINITION OF EMERGENCY WAR FUNDING.**—For purposes of determining eligible

costs for emergency war funding, the term “emergency war funding”—

(1) means a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—

(A) is conducted in a foreign country;

(B) has geographical limits;

(C) is not longer than 60 days; and

(D) provides only—

(i) replacement of ground equipment lost or damaged in conflict;

(ii) equipment modifications;

(iii) munitions;

(iv) replacement of aircraft lost or damaged in conflict;

(v) military construction for short-term temporary facilities;

(vi) direct war operations; and

(vii) fuel; and

(2) does not include any operation that provides for—

(A) research and development; or

(B) training, equipment, and sustainment activities for foreign military forces.

(b) **REPORT TO BE INCLUDED IN THE PRESIDENT’S BUDGET SUBMISSION TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall submit to Congress a report on the effect of the clarified definition of emergency war funding under subsection (a) on the process for determining eligible costs for emergency war funding.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) For the subsequent fiscal year, a plan for transferring to the base budget any activities that do not meet such definition.

(B) For each of the subsequent five fiscal years, the anticipated emergency war funding based on such clarified definition.

(c) **POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.**—

(1) **IN GENERAL.**—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

“SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘contingency operation’ has the meaning given that term in section 101 of title 10, United States Code; and

“(2) the term ‘emergency war funding’ has the meaning given that term in section [____] of the National Defense Authorization Act for Fiscal Year 2022.

“(b) POINT OF ORDER.—

“(1) **IN GENERAL.**—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides new budget authority for a contingency operation, unless the provision of new budget authority meets the requirements to constitute emergency war funding.

“(2) **POINT OF ORDER SUSTAINED.**—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(c) FORM OF THE POINT OF ORDER.—A point of order under subsection (b)(1) may be

raised by a Senator as provided in section 313(e).

“(d) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(e) SUPERMAJORITY WAIVER AND APPEAL.—

“(1) WAIVER.—Subsection (b)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(2) APPEALS.—Debate on appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b)(1).”

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

“Sec. 441. Point of order against funding for contingency operations that does not meet the requirements for emergency war funding.”

SA 4007. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking “WYOMING” and inserting “THE STATE OF WYOMING OR UTAH”; and

(2) by striking “Wyoming” and inserting “the State of Wyoming or Utah”.

SA 4008. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to

the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) **PURPOSES.**—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) **DEFINITIONS.**—In this section:

(1) **FEDERAL RESOURCE MANAGEMENT PLAN.**—The term “Federal resource management plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) **GREATER SAGE-GROUSE.**—The term “greater sage-grouse” means a sage-grouse of the species *Centrocercus urophasianus*.

(3) **STATE MANAGEMENT PLAN.**—The term “State management plan” means a State-approved plan for the protection and recovery of the greater sage-grouse.

(c) **PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.**—

(1) **ENDANGERED SPECIES ACT OF 1973 FINDINGS.**—

(A) **DELAY REQUIRED.**—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled “Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (*Centrocercus urophasianus*) as an Endangered or Threatened Species” (80 Fed. Reg. 59858 (October 2, 2015)) during the 10-year period beginning on the date of enactment of this Act.

(B) **EFFECT ON OTHER LAWS.**—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(C) **EFFECT ON CONSERVATION STATUS.**—The conservation status of the greater sage-grouse shall be considered not to warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) during the 10-year period beginning on the date of enactment of this Act.

(2) **COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.**—

(A) **PROHIBITION ON WITHDRAWAL AND MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.**—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State

management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(B) **RETROACTIVE EFFECT.**—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification altered the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(i) implementation and operation of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(ii) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan.

(C) **DETERMINATION OF INCONSISTENCY.**—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(3) **RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) **REPORTING REQUIREMENT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date that is 10 years after that date of enactment, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) **JUDICIAL REVIEW.**—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SEC. ____ . IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN RANGE-WIDE CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.

(a) **DEFINITIONS.**—In this section:

(1) **CANDIDATE CONSERVATION AGREEMENT; CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.**—The terms “Candidate Conservation Agreement” and “Candidate Conservation Agreement with Assurances” have the meanings given those terms in the announcement of the Department of the Interior and the Department of Commerce entitled “Announcement of Final Policy for Candidate Conservation Agreements with Assurances” (64 Fed. Reg. 32726 (June 17, 1999)).

(2) **LESSER PRAIRIE-CHICKEN.**—The term “lesser prairie-chicken” means a prairie-chicken of the species *Tympanuchus pallidicinctus*.

(3) **RANGE-WIDE PLAN.**—The term “Range-Wide Plan” means the lesser prairie-chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as described in the proposed rule of the United States Fish and Wildlife Service entitled “Endangered and Threatened Wildlife and Plants; Listing the Lesser-Prairie-Chicken as a Threatened Species with a Special Rule” (79 Fed. Reg. 4652 (January 29, 2014)).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **PROHIBITION ON TREATMENT AS THREATENED OR ENDANGERED SPECIES.**—

(1) **IN GENERAL.**—Notwithstanding any prior action by the Secretary, the lesser prairie-chicken shall not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before the date that is 10 years after the date of enactment of this Act.

(2) **PROHIBITION ON PROPOSAL.**—Effective beginning on the date that is 10 years after the date of enactment of this Act, the lesser prairie-chicken may not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless the Secretary publishes a determination, based on the totality of the scientific evidence, that conservation (as that term is used in that Act) under the Range-Wide Plan and the agreements, programs, and efforts described in subsection (c) have not achieved the conservation goals established by the Range-Wide Plan.

(c) **MONITORING OF PROGRESS OF CONSERVATION PROGRAMS.**—The Secretary shall monitor and annually submit to Congress a report on the conservation progress of the lesser prairie-chicken under the Range-Wide Plan and all related—

(1) Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances;

(2) Federal conservation programs administered by the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Secretary of Agriculture;

(3) State conservation programs; and

(4) private conservation efforts.

SEC. ____ . REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.

Notwithstanding the final rule of the United States Fish and Wildlife Service entitled “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle” (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle (*Nicrophorus americanus*) may not be listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 4009. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . GUARANTEEING DUE PROCESS FOR UNITED STATES CITIZENS AND LAW-FUL PERMANENT RESIDENTS.

(a) **SHORT TITLE.**—This section may be cited as the “Due Process Guarantee Act”.